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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,650	07/07/2006	Nobuhiro Tazoe	292536US2PCT	5471

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
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ALEXANDRIA, VA 22314

EXAMINER

APICELLA, KARIE O

ART UNIT	PAPER NUMBER
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1795

NOTIFICATION DATE	DELIVERY MODE
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05/21/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/585,650	Applicant(s) TAZOE, NOBUHIRO	
	Examiner Karie O'Neill Apicella	Art Unit 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 and 11-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Applicant's amendment filed on February 22, 2010, was received. Claim 10 has been amended. Claims 1-9 and 11-16 have been withdrawn from consideration. Therefore, Claim 10 is pending in this office action.

2. The text of those sections of Title 35, U.S.C. code not included in this action can be found in the prior Office Action issued on November 20, 2009.

Claim Rejections - 35 USC § 103

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reimers et al. (US 6,416,904 B1) in view of Fukumura et al. (US 6,027,835).

Reimers et al. discloses in Figures 1 and 2, a manufacturing method for producing a cell electrode plate used as lithium ion battery electrodes, comprising a band-like core member, called a web, made of metal foil, such as copper or aluminum foil (column 4, lines 45-51). Reimers et al. discloses a plurality of sheets, called segments, of electrode active material applied discontinuously on and longitudinally on, in segments, at least one of upper and lower surfaces of the core metal foil web (column 3, lines 45-52). Reimers et al. discloses the leading edges and trailing edges of the upper side segment coatings in a same plane as the upper surface of the core member are proximate to the leading edges and trailing edges of the lower side segment coatings in the same plane as the lower surface of the core member to thereby provide sheets of electrode active material on said core metal foil web (column 3, lines 52-55).

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Reimers et al. does not disclose wherein at least one of the sheets of electrode active material in a same plane as one of the upper and lower surfaces of the core member has end positions widthwise of the core member which are different from end positions of the other sheets of electrode active material on the same plane widthwise of the core member providing the sheets of electrode active material on said core member.

Fukumura et al. discloses an electrode sheet for use with a non-aqueous secondary cell using lithium as an active material, the active material or electrode depolarizing mix layer being formed on both sides of a current collector, the current collector preferably made of aluminum or copper foil (column 1, lines 32-36 and column 2, lines 60-67). Fukumura et al. discloses in Figures 4A-4C, an electrode depolarizing mix layer (42a) being formed on an upper surface of a current collector (41) and an electrode depolarizing mix layer (42b) being formed on a lower surface of the current collector (41). As compared to the lower electrode depolarizing mix layer (42b), the left end LT of the upper electrode depolarizing mix layer (42a) is shifted to the right (toward the center of the electrode sheet), and the right end RT thereof is shifted to the right (toward the right end of the electrode sheet). The cross sections of the electrode sheet at both ends in the longitudinal direction are in translational symmetry with each other. The lengths of the electrode depolarizing mix layers (42a) and (42b) are generally equal (column 4, lines 17-34). That is to say, the electrode active material in the same plane as the upper surface of the core member has end positions widthwise which are different than end positions of the electrode active material in the same plane as the lower surface widthwise of the core member. Fukuda et al. does not specifically disclose

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wherein at least one of the sheets of electrode active material in a same plane as one of the upper and lower surfaces of the core member has end positions widthwise of the core member which are different from end positions of the other sheets of electrode active material on the same plane widthwise of the core member providing the sheets of electrode active material on said core member, but does disclose that the shift amount of the electrode mix layers of an electrode sheet can be regulated by adjusting the positions of the adhered tapes which is controlled by different methods (column 4, lines 66-67 and column 5, lines 1-3). At the time of the invention it would have been obvious to one of ordinary skill in the art to place at least one of the sheets of electrode active material in a same plane as one of the upper and lower surfaces of the core member having end portions widthwise of the core member in a different position from the other sheets of electrode active material in the same plane widthwise of the core member, because Fukumura et al. teaches the start positions of the processes of coating electrode mix on the upper and lower core surfaces may be controlled to adjust the shift amount forming the electrode sheets and the portion of the core member that is not coated with the electrode active mix is connected to a lead plate. Also, it has been held in the art that the provision of adjustability, where needed, involves only routine skill in the art. MPEP 2144.04(V).

Response to Arguments

4. Applicant's arguments filed February 22, 2010, have been fully considered but they are not persuasive.

Applicant's primary argument is, "Fukumura does not disclose that a sheet of electrode active material in a same plane of the core member has end positions widthwise of the core member which are different from end positions of other sheets of electrode active material in the same plane of the core member."

In the rejection above, it is noted that although Fukumura does not specifically disclose that a sheet of electrode active material in a same plane of the core member has end positions widthwise of the core member which are different from end positions of other sheets of electrode active material in the same plane of the core member, Fukumura discloses that it is possible to adjust the position of the electrode active material mix by shifting the position of the electrode active material mix through different methods. Therefore, it is obvious that one of ordinary skill in the art would adjust the settings so that the a sheet of electrode active material in a same plane of the core member has end positions widthwise of the core member which are different from end positions of other sheets of electrode active material in the same plane of the core member, in order to be able to easily apply a lead plate to the core member and wind the electrode to form a coiled assembly (column 5, lines 14-26).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karie O'Neill Apicella whose telephone number is (571)272-8614. The examiner can normally be reached on Monday through Friday from 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PATRICK RYAN/
Supervisory Patent Examiner, Art Unit 1795

Karie O'Neill Apicella
Examiner
Art Unit 1795

KOA